

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RHINO@HARMONY PARK, L.L.C; MARK
HAUSNER; JEFF EMERY; and DONALD
BAER,

Case No. 09-11921

Plaintiffs,

Honorable John Corbett O'Meara

v.

DETROIT ECONOMIC GROWTH
CORPORATION *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed a five-count complaint against Defendants, alleging the following causes of action: Count I, violations 42 U.S.C. §§ 1981 and 1982; Count II, violations of 42 U.S.C. § 1983; Count III, malicious prosecution; Count IV, breach of contract; and Count V, tortious interference.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, it is hereby **ORDERED** that Counts III, IV and V are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: August 5, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 5, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager